

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

V.

JAY MICHAUD,

Defendant.

NO. CR15-05351 RJB

REVISED DISCOVERY PROTECTIVE ORDER

This matter has come before the Court pursuant to Defendant's Motion to Vacate Protective Order (dkt. 32). The Court has considered the Motion, the Government's response to the Motion, and the Defendant's reply briefing. The Court also held a hearing on the Motion on November 23, 2015, and has otherwise been fully advised in this matter, and accordingly hereby enters the following REVISED DISCOVERY PROTECTIVE ORDER:

1. The Court's August 10, 2015, Protective Order (dkt. 19) shall remain in effect, subject to the modifications contained in this Order. The August 10 Protective Order and this Order govern all discovery material in any format (written or electronic) that is produced by the Government in discovery in the above captioned case, and is identified and marked as "Protected Material."

1 2. The United States will continue to make available copies of discovery
2 materials, including those filed under seal, to defense counsel to comply with the
3 government's discovery obligations, as originally ordered by the Court.

4 3. As set forth in the original Order, possession of copies of the Protected
5 Material is limited to the attorneys of record, and investigators, paralegals, law clerks,
6 experts and assistants for the attorneys of record (hereinafter collectively referred to as
7 members of "the defense team"), subject to the following revisions and additions.

8 4. Mr. Michaud's counsel may share copies of all pleadings and Protected
9 Material with other defense teams that are representing clients that have been charged as
10 a result of the Government's investigation of the web site identified as "Website A" or
11 the "Target Website" in the Complaint against Mr. Michaud and related discovery. The
12 defense teams in other cases remain subject to this protective Order and any separate
13 protective orders or other discovery restrictions and sealing orders that have been entered
14 in their individual cases.

15 5. Mr. Michaud's counsel may also share copies of all pleadings and
16 Protected Material with public interest organizations that may have an interest in this
17 case, subject to the following restrictions:

18 a. The public interest organization shall not circulate or disclose copies
19 of sealed pleadings or Protected Discovery, or information contained therein, to
20 parties that are not employees or agents of the organization;

21 b. The public interest organization shall not disclose the actual name of
22 "Website A" to parties that are not employees or agents of the organization, and
23 shall refer to the site as "Website A" or the "Target Website" in all public filings
24 or statements;

25 c. Copies of any Protected Material that has been obtained from Mr.
26 Michaud's counsel and are made part of pleadings or motions filed by the public
27 interest organization shall be filed under seal.

1 d. The restrictions in this Order do not apply to any information or
2 material that the organization has independently obtained from other sources.

3 e. Mr. Michaud's counsel shall provide a copy of this order to the
4 public interest organization, and the public interest organization agrees, through an
5 authorized representative, to comply with this Order.

6 6. In addition, the attorneys of record and members of the defense team may
7 display and review the Protected Material with Mr. Michaud. The attorneys of record
8 and members may also provide Mr. Michaud with copies of any pleadings filed on his
9 behalf, except for any accompanying exhibits that are Protected Material.

10 7. It is further ordered that Defendant's Motion to Suppress Evidence (dkt. 26)
11 shall be unsealed and made part of the public record in this case. The sealed exhibits in
12 support of the Motion shall remain under seal.

13 8. The remaining provisions of the Court's August 15 Protective Order shall
14 remain in effect. Nothing in this order should be construed as imposing any discovery
15 obligations on the government or the defendant that are different from those imposed by
16 case law and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal
17 Rules.

18 9. The provisions of this both Order and the August 10 Order shall not
19 terminate at the conclusion of this prosecution.

20 10. Any violation of any term or condition of this Order by the Defendant, his
21 attorney(s) of record, any member of the defense team, a public interest organization, or
22 any representative for the Department of Justice, may be held in contempt of court,
23 and/or may be subject to monetary or other sanctions as deemed appropriate by this
24 Court.

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1 DATED this 24th day of November, 2015.
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6 ROBERT J. BRYAN
7 United States District Judge
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